

TCP/11/16(616) – 19/00620/IPL – Erection of a dwellinghouse (in principle), land 50 metres south west of Belfield, Woodlands Road, Blairgowrie

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**TCP/11/16(616) – 19/00620/IPL – Erection of a dwellinghouse
(in principle), land 50 metres south west of Belfield,
Woodlands Road, Blairgowrie**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MICHAŁ WOJCIWIEZ

Address BELFIELD
WOODLANDS RD
BLAIRBORNE

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name JOHN CULBERT

Address TAY FARMHOUSE
MEIKLEBUR

Postcode PH2 6EE

Contact Telephone 1 07534521765

Contact Telephone 2

Fax No

E-mail* johncculbert@gmail.com

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

19/00620/1PL

Site address

BELFIELD, WOODLANDS RD, BLAIRBORNE

Description of proposed
development

ERECTION OF DWELLINGHOUSE
(IN PRINCIPLE)

Date of application

18/4/19

Date of decision (if any)

17/6/19

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

FURTHER INFORMATION SUPPLIED ON REQUEST.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

SITE VISIT HIGHLY ENCOURAGED

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

REFER TO SUPPORTING
STATEMENTS SUPPLEMENTARY
COMMENTS WITH ATTACHED PHOTOGRAPHS
FROM APPELLANT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. COUNCIL'S DECISION NOTICE
2. OFFICER'S DELEGATED REPORT
3. SUPPORTING STATEMENT FOR APPLICATION
4. SUBMITTED SITE PLAN
5. Extract from Report of Examination.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

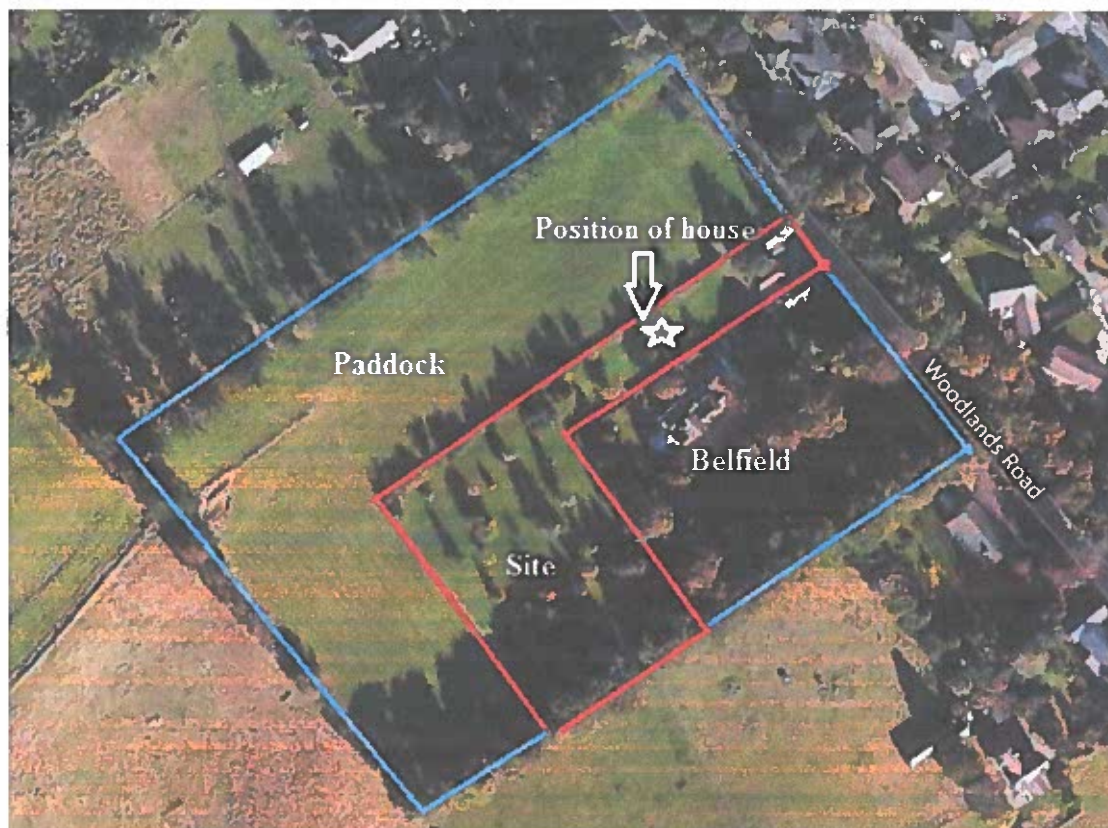
 12/3/13

Local Review Body Appeal (19/00620/IPL)

in respect of

**Erection of a dwellinghouse (in outline) on ground
immediately to the west of Belfield, Woodlands Road,
Blairgowrie**

On behalf of Mr Michal Wojtowicz



**John Culbert MRTPI
Chartered Town Planner
10th September 2019**

Introduction

This appeal is submitted on behalf of Mr Michal Wojtowicz in respect of Perth and Kinross Council's refusal of an outline planning application 19/00620/IPL for the erection of a dwellinghouse on ground immediately to the west of Belfield, Woodlands Road, Blairgowrie.

The application was registered by Perth and Kinross Council on the 16th April 2019 and was refused under delegated powers on the 17th June 2019. The reasons given for refusal were as follows:

1. *The proposal is contrary to Policy PM1A of the adopted Local Plan 2014 as the erection of a house on the site would not respect the character and amenity of this area of Rosemount. It would erode the semi-rural character of the area and not contribute positively to the quality of the surrounding built and natural environment.*
2. *The proposal is contrary Policy PM1B of the adopted Local Plan 2014 criterion (b) as the erection of a dwelling would not respect the wider landscape character area of the site due to the detrimental impact it would have the on amenity value of the area particularly when viewed from the designated open space area that can be accessed by the public.*
3. *The proposal fails to comply with Policy 14A Existing Areas Open Space Retention and Provision of the Proposed Local Development Plan as the proposal would impact on the sense of openness and semi-rural nature of the area which is a key characteristic of Rosemount. As a consequence development on the site would have a detrimental impact the open space area designation, set an undesirable precedent and threaten the integrity of the wider open space designation.*

and the justification as follows :

In this case the development is considered to be contrary to the Placemaking provisions of the Development Plan Policy PM1A and Policy PM1B. In addition the Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating this site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight can be given to Policy 14 of the Proposed Local Development Plan 2.

This statement will set out Mr Mike Wojtowicz grounds for appealing by addressing the above reasons in the light of the development plan policies and relevant material considerations.

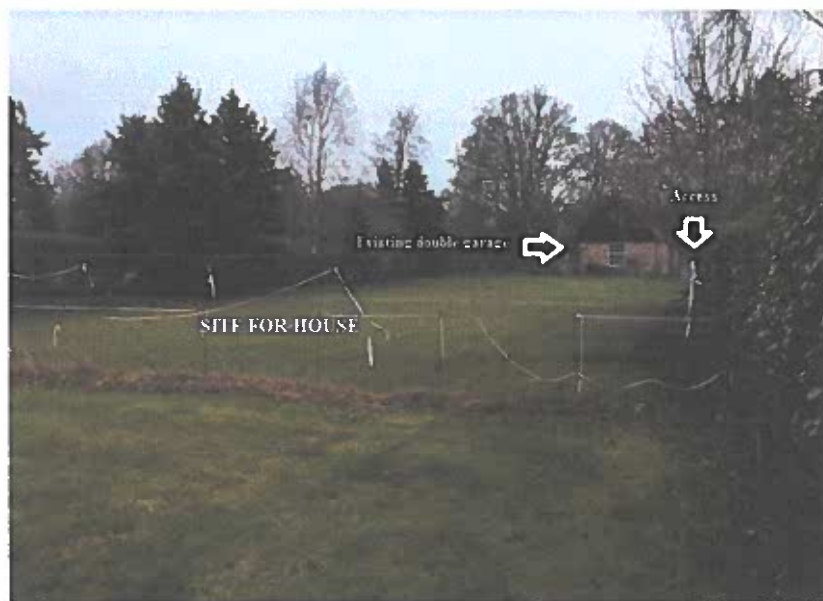
The application attracted one objection from a local resident on the grounds that the narrowness of Woodlands Road should preclude any new housing development on road safety grounds. However Highway Planning do not accept this view and recommend conditional approval.

The Site and Location

The site comprising roughly 0.68ha lies to the west and south of the existing dwellinghouse known as Belfield in an 'L' shaped form and with a frontage onto Woodlands Road within the Rosemount area of Blairgowrie. The ground comprises the vegetable garden and a larger area of lawn with ornamental scrubs and small trees all contained by established boundary hedging and a stone wall along the frontage with Woodlands Road where there is already an existing access into the site. The area intended for the actual house site comprises level open ground and does not require the removal of any trees. An existing double garage close to the access point could be retained to serve the new house.

The Proposal

The intention is to develop the vegetable garden for a single storey house in a traditional form appropriate to the surroundings. The site for the proposed house is adjacent to the client's present house where in siting terms it would relate best with the wider building grouping and not raise any visual or residential amenity issues. An established hedge along the western and eastern side boundaries provide effective screening which would ensure a high degree of privacy.



The applicant wishes to downsize and was hoping to build a smaller more manageable house for himself and his wife in the event of future health issues as living in a large two storey house with stairs could prove difficult in future years. It is not the applicant's intention to develop the ornamental garden area to the south side which forms a significant part of the site as any development within this area would detract from the views and main outlook of Belfield itself.

An existing access already serves the site from Woodlands Road which can be widened as viewed above by removing or reducing the height of the stone wall in order to satisfy any requirements for an improved bellmouth and visibility. Transport Planning recommend conditional approval of the proposed access to Woodlands

Road.



The Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

Within the Local Development Plan, the site lies within the settlement boundary of Blarngowrie, where the following policies are applicable

Policy RD1 - Residential Areas

In identified areas which includes the proposed site, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD1 encourages residential infill development within the area identified in white on the Plan which includes the proposed site at a density which represents the most efficient use of the site while respecting its environs.

Policy PM1A – Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy PM1 seeks to ensure that new developments must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place, whilst *Policy RD1* above seeks to ensure that the character and amenity of existing residential areas is not adversely affected by inappropriate developments.



Perth and Kinross Local Development Plan 2014 – Adopted February 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local

Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content.

The Proposed Plan 2 identifies significant areas of Rosemount as 'Open Space' with the aim of protecting areas from development in order to help maintain the character and amenity of the town. The proposed site appears to be the only new 'open space' area identified in the Rosemount area under Plan 2 and the applicant was never notified as a householder of this change other than a random advert in the local Courier which he does not subscribe to and hence had no opportunity to submit a representation.

The Plan 2 policy which applies to the designated 'Open Space' areas is **Policy 14A** which states the following:

- (a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.
- (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.
- (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.



Clearly, (a), (c) and (d) above relate primarily to the potential loss of recreational resources or facilities which would not be relevant to our pocket of ground. However, the policy would appear to allow for exceptions under Section (b) above, where it refers to a proposal involving a minor part of the site which would not affect its continued use for recreation or amenity. Clearly, the two principal issues are the loss of recreation ground and secondly, detrimental to the character or visual amenity of the area.

The same policy wording also applies to the similar extensive area of 'Open Space' in the current adopted Perth and Kinross Local Development Plan 2014, where the guidance is contained in **Policy CF1**, not applicable in this case.

Grounds of Appeal

Examining the three individual reasons for refusal in the order listed above as follows:

The proposal is contrary to Policy PM1A of the adopted Local Plan 2014 as the erection of a house on the site would not respect the character and amenity of this area of Rosemount. It would erode the semi-rural character of the area and not contribute positively to the quality of the surrounding built and natural environment.

The Placemaking policy PM1A applies strictly to the siting design and appearance of new development to ensure that it is appropriate and fits in with local character. However as this is an outline application which simply indicates the intended house position it would be difficult to assess any likely impact as no details are available at this in principle stage. In addition, the policy is taken from the Adopted Local Development Plan 2014 which under residential policy RD1 fully supports new housing development within the white zoned areas within which the application site is located.

Reason 2 refers specifically to Policy PM1B which refers to the appropriateness of development within the wider context, particularly in regard to its visual impact in landscape terms.

The proposal is contrary Policy PM1B of the adopted Local Plan 2014 criterion (b) as the erection of a dwelling would not respect the wider landscape character area of the

site due to the detrimental impact it would have the on amenity value of the area particularly when viewed from the designated open space area that can be accessed by the public.

Placemaking Policy PM1B considers the appropriateness of the development within the surrounding area in terms of its visibility and whether or not it would detract from the character of the wider landscape. The area put forward in the application as suitable for the actual position of the house is the vegetable area which is unseen from Woodlands Road due to the presence of ancillary buildings and from the opposite direction any view of the site from the client's adjacent field looking across the site is obscured by trees. The proposed house would be largely unseen so it would follow that there would be no conflict with policy PM1B in regard to visual impact. Again reason 2 as with reason 1 is founded on the adopted Local Development Plan 2014 which in any case zones the site as white land suited to development rather than as designated open space as proposed in Plan2. It should also be remembered that the Local Authority through planning conditions can effectively limit the area of the site to be developed and can insist that landscaped areas within the wider site should be retained or reinforced as necessary.

Reason 3 is based on Policy 14A in Proposed Plan 2 which zones the majority of the proposed site as open space although a small area which includes the ancillary buildings at the proposed access point adjacent to Woodlands Road is still identified as white land suited to development.

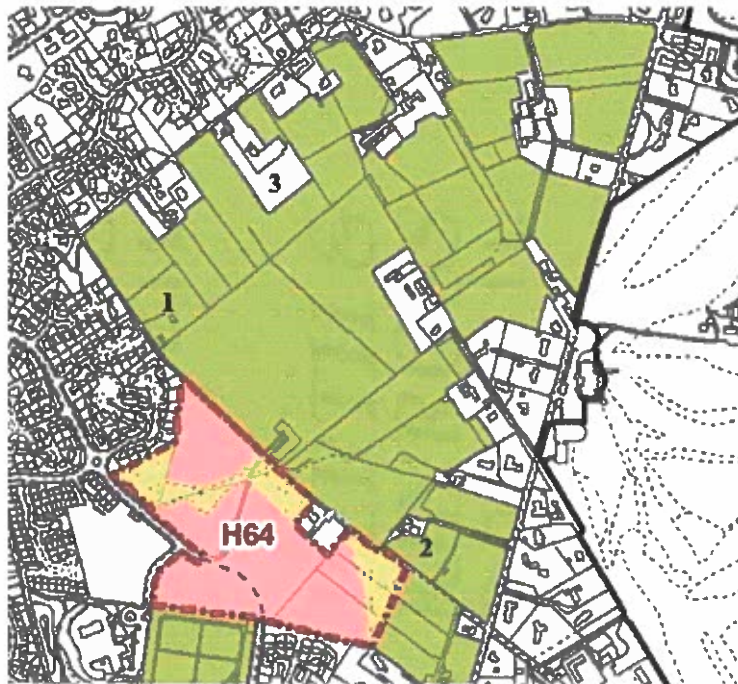
The proposal fails to comply with Policy 14A Existing Areas Open Space Retention and Provision of the Proposed Local Development Plan as the proposal would impact on the sense of openness and semi-rural nature of the area which is a key characteristic of Rosemount. As a consequence development on the site would have a detrimental impact the open space area designation, set an undesirable precedent and threaten the integrity of the wider open space designation.

Policy 14A relates specifically to existing areas of open space although the proposed site represents the only new area of proposed open space in Plan2 within the central Rosemount Area (as contained by Woodlands Road, Golf Course Road and Piggies Lane). An adjacent 'L' shaped paddock is also owned by the client and adjacent to the proposed site which was identified as open space in the Adopted version of the LDP and is currently maintained at the client's own expense and remains unopposed as existing open space available for public benefit. Clearly, the land is in agricultural use where there is public access unlike the proposed site which is private garden with no public access.

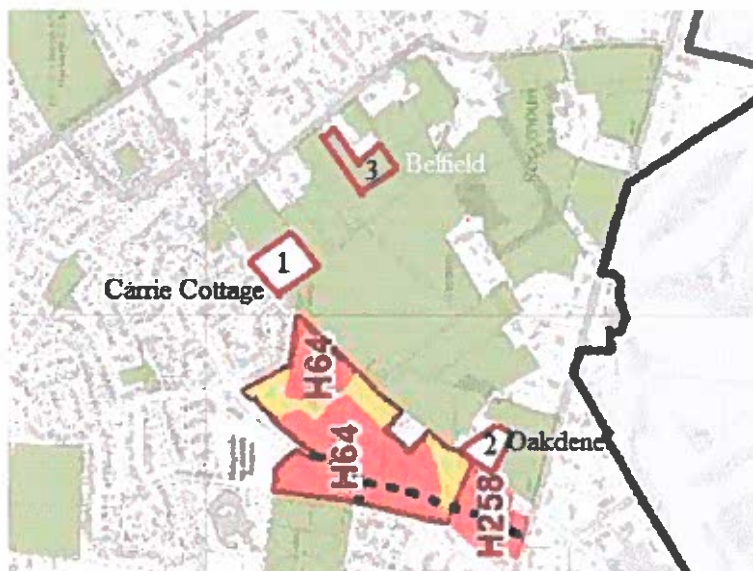
However, it is extremely inconsistent and unfair when a simple comparison is made between the adopted version and the new Plan2 where two sites in particular were altered from open space to white land; the only apparent justification being that they were well contained private gardens. The client was never notified of the change in status of his garden which is difficult to understand especially as this was the only significant change in proposed open space designations in the Rosemount Area.

Extracts from both versions are copied below and it is apparent that two areas identified as Area 1 Carrie Cottage gardens and Area 2 Oakdene again private gardens

have been consciously deleted from the open space designation in the adopted plan to white land and subject to the general residential policy in Plan2. Both area 1 and area 2 are private gardens and the only justification for their removal as open space is because they are well contained by hedges. The client is most concerned that his private garden ground identified below as area 3 has been the only new area selected as open space to replace the areas 1 and 2. All three areas referred to are in private garden uses while all the other open space areas are in agricultural use.



The Adopted LDP 2014



The Proposed Plan2

Plan 2 in Policy 14A does allow for exceptions under clause (b), but the planners suggest that any exception would set a precedent so why would the policy allow for

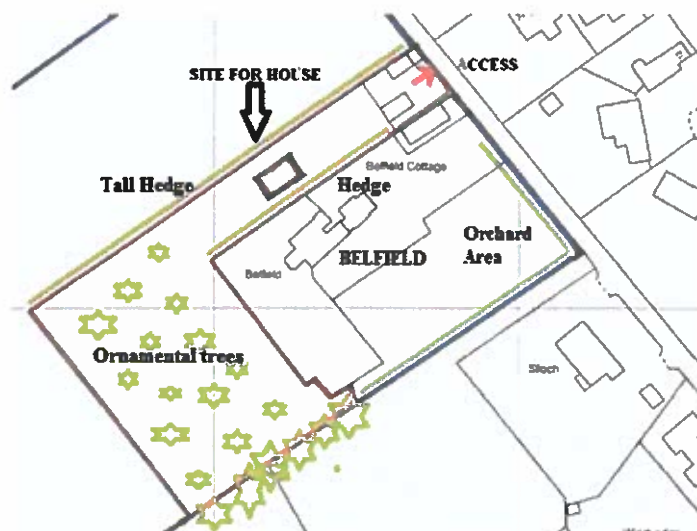
exceptions in the first place. The area proposed for the house is the current vegetable garden whereas the larger part of the site which the applicant has no intention of developing is amenity tree planting; the two areas have different characters. The planning authority have the power if they so desire to apply planning conditions to secure the retention of trees which could have been used in regard to the area of amenity planting. The vegetable garden on the other hand has no possible recreational or amenity value is closely associated with a building group and perfectly fits the description in the listed exception to policy 14A. Clause (b) in Policy 14A states the following:

(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

The Council's own clarification of Policy 14A 'Rosemount Open Space' page 911 in the Reporter's recent Examination Report dated 11th July 2019 states the following:

'Rosemount is a primarily residential area with a semi-rural character. Most of the land is privately owned however a significant area of greenspace is protected for its amenity value. In response to comments received at the MIR stage, the open space boundary has been revised to ensure consistency across the area (CD209). The proposed designation allows for small scale development within well-defined garden grounds and covers other areas which contribute to the special character of Rosemount and should be retained.'

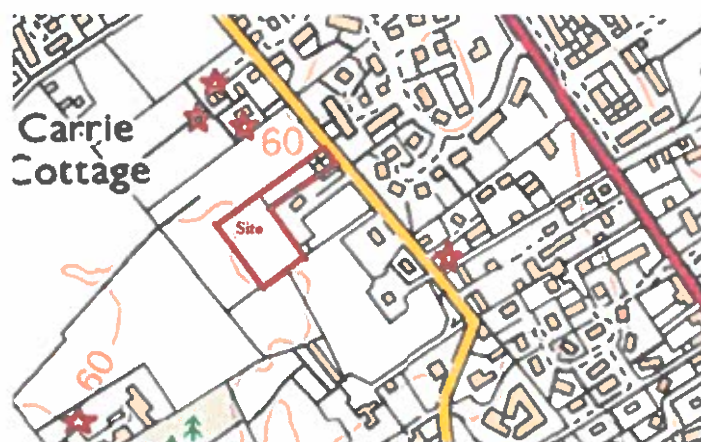
The official policy clarification recognises clause (b) and confirms that small scale development within well defined garden grounds is in line with the policy. However, in the case of our client's planning application, the officer's delegated report does not recognise clause (b) and simply states that any exception irrespective of the circumstances would simply set a precedent which would erode the open space zoning. The plan below illustrates the high degree of containment and indicatively illustrates the amenity tree planting which if necessary could be protected by the use of planning conditions.



Policy 14A also relies heavily on the term 'semi rural character' which implies agricultural fields interspersed with pockets of housing. It is easy to understand that

fields should be protected to safeguard this character, however, it is harder to understand why this should be extended to private gardens, particularly as it is now the only garden area remaining which is protected under Policy 14A. I would suggest that it is the individual house plots which equally impart character to Rosemount and clause (b) clearly recognises the opportunities for exceptions.

Exceptions have been made elsewhere in the Rosemount area. A recent planning application granted consent on Woodlands Road sought to change a 4 house development to 3 houses on ground which was agricultural as opposed to garden ground. And had attracted 12 objections from local residents. Other exceptions have been made for other similar individual house developments which have recently received planning consent within the immediate neighbourhood as being compliant with Policy RD1 (see below highlighted in red stars).



The officer's delegated report accepts that residential amenity would not be an issue. In addition, Transport Planning recommend conditional approval in regard to access arrangements onto Woodlands Road and Water Services Infrastructure have confirmed that they have no objections in regard to an additional drainage connection. I am not aware of any other technical constraints which would preclude the granting of consent for the proposed development.

Conclusion.

I am satisfied that this modest infill closely related to the client's existing house is compatible with visual amenity and will not detract or erode the rural qualities of the wider area. The site is well contained and heavily screened and will be largely unseen. The actual house position proposed would be seen in the context of existing buildings and would not in any way impinge on the 'openness' character referred to in the officer's delegated report. The current Adopted LDP under RD1 supports residential development and the recent Proposed Plan 2 under Policy 14A also supports small scale development opportunities such as the current proposal under clause (b). The inconsistencies in the open space zoning have been highlighted above and in brief, it appears totally disproportionate to remove two garden zonings and single out our client's garden as the only non agricultural area to receive a new open space zoning.

I feel that it would be essential to obtain a site visit to ensure that the councillors are fully aware of the physical attributes of the site and the high degree of containment and screening present.

I would urge that this appeal should be allowed.

Belfield,
Woodlands Road,
Rosemount,
Blairgowrie
PH10 6JX
10th Sept.,2019

The Local Review Committee.

Dear Sirs,

Being a layperson this submission to yourselves is an unembellished opinion in order to balance a decision which has been largely determined by the planners' perverse and hell-bent desire to prevent any building.

Firstly the change of designation of this site to open space in the proposed LDP2 is nothing short of piracy, two Councillors and a lawyer being in agreement with me.

There are no real reasons why this application should have been refused – the site is well contained and impossible to view from the designated open space area to the west and therefore has no detrimental effect on amenity or recreational value to the public.

Setting a precedent is a weak excuse as each application should stand on its own merits, and also in the immediate area there are five recent developments, namely Robinscroft, Little Struan, Todholes, the site at Mullion Way and lastly but by no means least, the building of three or four houses at Morvich House. Photographs are enclosed.

There are no objections by Transport Planning, Scottish Water or the Developments Negotiations Officer. Consequently the only public representation is of no significance.

The justification for the Planners' refusal has been heavily influenced by the yet to be adopted LDP2, whereas LDP1 should be the main reference.

It is a myth to assume the central open space area of Rosemount is of visual or amenity value to the public as it is virtually unseen from Woodlands Rd., Golf Course Rd. and Piggy Lane.

Finally, as the applicant, I would very much welcome a site visit by the Review Committee so that the positive features can be fully appreciated.

Yours sincerely,



MORVICH.

TOOTHLES



MULLION WAY



ROBINS CROFT



LITTLE STRUAN

PERTH AND KINROSS COUNCIL

Mr Michael Wojtowicz
c/o John Culbert
Tay Farmhouse
Meikleour
PH2 6EE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 17th June 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00620/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 18th April 2019 for permission for **Erection of a dwellinghouse (in principle) Land 50 Metres South West Of Belfield Woodlands Road Blairgowrie** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy PM1A of the adopted Local Plan 2014 as the erection of a house on the site would not respect the character and amenity of this area of Rosemount. It would erode the semi-rural character of the area and not contribute positively to the quality of the surrounding built and natural environment.
2. The proposal is contrary Policy PM1B of the adopted Local Plan 2014 criterion (b) as the erection of a dwelling would not respect the wider landscape character area of the site due to the detrimental impact it would have the on amenity value of the area particularly when viewed from the designated open space area that can be accessed by the public.

3. The proposal fails to comply with Policy 14A Existing Areas Open Space Retention and Provision of the Proposed Local Development Plan as the proposal would impact on the sense of openness and semi-rural nature of the area which is a key characteristic of Rosemount. As a consequence development on the site would have a detrimental impact the open space area designation, set an undesirable precedent and threaten the integrity of the wider open space designation.

Justification

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this case the development is considered to be contrary to the Placemaking provisions of the Development Plan Policy PM1A and Policy PM1B. In addition the Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating this site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight can be given to Policy 14 of the Proposed Local Development Plan 2.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

19/00620/1

19/00620/2

19/00620/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00620/IPL	
Ward No	P3- Blairgowrie And Glens	
Due Determination Date	17.06.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 50 Metres South West Of Belfield Woodlands Road
Blairgowrie

SUMMARY:

This report recommends **refusal** of the application. The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case the development is considered to be contrary to the relevant provisions of the Development Plan and there is significant weight that can be attached to the Proposed Plan which also warrants refusal of the application.

DATE OF SITE VISIT: 9 May 2019

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

The development is located within Rosemount, Blairgowrie which is a primarily residential area with a semi-rural character. Most of the land is privately owned however a significant area of greenspace is protected in the Local Plan for its amenity value.

This application is for the formation of a dwellinghouse on an 'L' shaped area of land associated with the dwellinghouse known as Belfield. The site extends to some 0.7 hectares in area and is located to the north and west of Belfield. The site is not located within the protected greenspace area in the adopted Local Plan.

The site is predominantly set out as a lawn with ornamental bushes. To the east of the site is Woodlands Road. There is an existing access through the stone boundary wall to a double garage associated with Belfield house, this access arrangement is proposed to be altered to enable safe access and egress. Belfield Cottage also in the ownership of Belfield house is located

hard against the boundary of the proposed site beside the proposed access point.

SITE HISTORY

06/00058/FUL - Replacement of existing sun porch with unheated conservatory Application Approved 10 February 2006

15/00827/IPL - Erection of a dwellinghouse (in principle) Application Refused 07 July 2015

PRE-APPLICATION CONSULTATION

Pre application Reference: None

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

Policy 14: Open Space Retention and Provision Policy 14A: Existing Areas

Areas of open space, including sport pitches, parks, allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

- (a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.
- (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its

users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.

(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

OTHER POLICIES

None

CONSULTATION RESPONSES

Strategy and Policy - Advise that significant weight can be given to Proposed Local Development Plan 2 and Policy CF1: Open Space Retention and Provision (Policy 14 in LDP2) would apply to the application.

Transport Planning – No objection subject to conditional control.

Scottish Water – No objection.

Development Negotiations Officer – No objection subject to conditions.

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Clarification sought on access arrangements and how this will affect existing outbuildings.
- Concerns that Scottish Water Infrastructure will not be able to accommodate the development.
- Concerns with traffic and pedestrian safety, accesses onto woodlands road.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Undertaken
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and	Not Required

Access Statement	
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The site is located within the Blairgowrie and Rattary settlement boundary where Policy RD1 of the adopted Local Development Plan 2014 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment.

Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area. In addition the policy seeks to retain areas of private and public open space where they are of recreational or amenity value.

While the site appears as white land, within the settlement boundary and without any designation in the Adopted Local Development Plan. During the preparation of Proposed Local Development Plan 2 the wider open space designation associated with the Rosemount area has been revised. The majority of the application site, excluding the existing outbuildings, has now been designated as open space.

Consultation with the Strategy and Policy Team confirms the Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating of this application site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight should be given to Proposed Local Development Plan 2 and Policy 14 would apply to the application.

Policy 14: Open Space Retention and Provision
Policy 14A: Existing Areas

Areas of open space, including sport pitches, parks, allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.

(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.

(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

The Strategy and Policy Team confirm that in this case, the designation is in place to prevent the gradual erosion of the semi-rural nature of this area of Rosemount. The policy provides a presumption against housing development which is currently the main source of pressure on the area.

While the agent's supporting statement has referenced section (b) within Policy CF1 Open Space Retention and Provision of the current LDP which includes an exception where development may be permitted on open space areas if it involves a minor part of the site and would not affect its continued use as a recreational or amenity resource. From my site inspection I do not consider this proposal to meet this exception as the development of the site would impact on the sense of openness which is a key characteristic of Rosemount.

While the visual connectivity between Woodlands Road and the undeveloped area to the south-east is somewhat limited by the existing outbuildings the development of a house further into the site would in my view have a greater impact on open views across the area. Furthermore approving a housing development within the designated open space area would set an undesirable precedent and threaten the integrity of the wider open space designation.

Taking the above into account the proposal fails to comply with Policy 14A of the Proposed Local Development Plan.

Design and Layout

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan. Although this application is in principle and no detailed drawings have been submitted it can be concluded that the proposal is contrary to Policy PM1A as the development of a house on the application site (zoned greenspace under Policy 14 of the Proposed Local Development Plan) would not respect the character and amenity of this area of Rosemount. Development in this location would not contribute positively to the quality of the surrounding built and natural environment as the formation of a dwelling would erode the semi-rural character of the area.

From my review of Policy PM1B, the erection of a dwelling would conflict with criterion (b) as the proposal would not respect the wider landscape character area of the site due to the detrimental impact it would have on views and the amenity value of the (zoned greenspace under Policy 14 of the Proposed Local Development Plan) from the wider greenspace designation.

Residential Amenity

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

I do not consider that residential amenity will be affected taking account of the status quo. However this would have been assessed in greater detail only if detailed plans were submitted as part of any matters specified by condition application. This would likely have to include the relocation of the access point so it was located away from Belfield Cottage.

Roads and Access

I note the concerns expressed in the letters of representation regarding traffic and pedestrian safety. During my site visit I noted that Woodlands Road was particularly narrow with tight bends. Consultation has been undertaken with Transport Planning and they advise that if made subject to conditional control would not adversely impact on road or pedestrian safety. Accordingly it would not conflict with Policy TA1B.

Clarification on whether existing garage outbuildings would be retained can be reviewed as part of the matters specified by conditions application if the in-principle consent is approved.

Drainage and Flooding

The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be

incorporated into the site layout to comply with policy EP3C and this can be controlled conditionally given the size of the site.

I note the concerns expressed in representation regarding Scottish Water Infrastructure. Foul drainage arrangements would have to be directed to the public sewer to comply with Policy EP3B. This can be controlled conditionally and the developer would have to secure the necessary connections directly with Scottish Water.

Developer Contributions

Primary Education

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Newhill Primary School, Conditional Control would be required if approved to ensure compliance with Policy PM3.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

While the site appears as white land without any designation in the Adopted Local Development Plan, during the preparation of Proposed Local Development Plan 2, the wider open space designation has been revised. The majority of the site, excluding the existing outbuildings, has now been designated as open space as it is well-designed and landscaped.

The Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating this site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight can be given to Proposed Local Development Plan 2 Policy 14.

In this case the development is considered to be contrary to the Placemaking provisions of the Development Plan Policy PM1A and Policy PM1B. In addition there is significant weight that can be attached to the Proposed Plan which warrants refusal of the application.

The area should be protected for its visual amenity value.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM1A of the adopted Local Plan 2014 as the erection of a house on the site would not respect the character and amenity of this area of Rosemount. It would erode the semi-rural character of the area and not contribute positively to the quality of the surrounding built and natural environment.
- 2 The proposal is contrary Policy PM1B of the adopted Local Plan 2014 criterion (b) as the erection of a dwelling would not respect the wider landscape character area of the site due to the detrimental impact it would have the on amenity value of the area particularly when viewed from the designated open space area that can be accessed by the public.
- 3 The proposal fails to comply with Policy 14A Existing Areas Open Space Retention and Provision of the Proposed Local Development Plan as the proposal would impact on the sense of openness and semi-rural nature of the area which is a key characteristic of Rosemount. As a consequence development on the site would have a detrimental impact the open space area designation, set an undesirable precedent and threaten the integrity of the wider open space designation.

Justification

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this case the development is considered to be contrary to the Placemaking provisions of the Development Plan Policy PM1A and Policy PM1B. In

addition the Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating this site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight can be given to Policy 14 of the Proposed Local Development Plan 2.

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

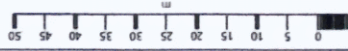
19/00620/1

19/00620/2

19/00620/3

Date of Report 17.06.2019

SITE PLAN



OS MasterMap 1250/2500/10000 scale
Thursday, April 11, 2019, ID:
MAP-00792681
www.nicolsondigital.com

1:1250 scale print at A4, Centre:
318354 E, 743723 N

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Erection of a dwellinghouse (in outline) on ground immediately to the west of Belfield,
Woodlands Road, Blairgowrie

Supporting Planning Statement

in respect of

**Erection of a dwellinghouse (in outline) on ground
immediately to the west of Belfield, Woodlands Road,
Blairgowrie**

On behalf of Mr Michal Wojtowicz



**John Culbert MRTPI
Chartered Town Planner
10th April 2019**

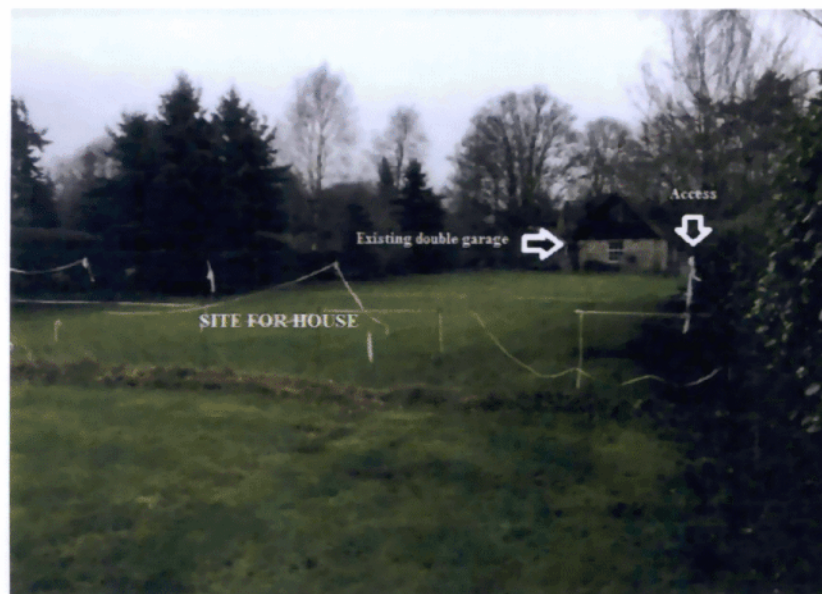
The Site and Location

The site comprising roughly 0.68ha lies to the west and south of the existing dwellinghouse known as Belfield in an 'L' shaped form and with a frontage onto Woodlands Road within the Rosemount area of Blairgowrie. The ground comprises the vegetable garden and a larger area of lawn with ornamental scrubs and small trees all contained by established boundary hedging and a stone wall along the frontage with Woodlands Road where there is already an existing access into the site. The area intended for the actual house site comprises level open ground and does not require the removal of any trees. An existing double garage close to the access point could be retained to serve the new house.



The Proposal

The intention is to develop the site for a single storey house in a traditional form appropriate to the surroundings. The site for the proposed house is adjacent to the client's present house where in siting terms it would relate best with the wider building grouping and not raise any visual or residential amenity issues. An established hedge along the western and eastern side boundaries provide effective screening which would ensure a high degree of privacy.



The applicant wishes to obtain an option to build a smaller more manageable house for himself and his wife in the event of future health issues as living in a large two storey house with stairs could prove difficult in future years. It is not the applicant's intention to develop the ornamental garden area to the south side which forms a significant part of the site as any development within this area would detract from the views and main outlook of Belfield itself.



An existing access already serves the site from Woodlands Road which can be widened as viewed above by removing or reducing the height of the stone wall in order to satisfy any requirements for an improved bellmouth and visibility.

Planning History

I am not aware of any previous planning applications for the proposed site.

However, planning consent was previously refused under 15/00827/IPL for the erection of a dwellinghouse within the orchard area which is also an integral part of the applicant's garden curtilage for the following reason:

'The proposal is contrary to Policy CF1A of the Perth and Kinross Local Development Plan 2014 which seeks to protect areas of existing open space from new development. The development of a house on this site would result in the loss of land which presently has value to the local community for amenity purposes.'

However, Plan 2 also showed this area as intended for open space and the client did lodge a representation objecting to this continued zoning which has yet to be considered by the appointed reporter in due course.

The Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

Within the Local Development Plan, the site lies within the settlement boundary of Blarigowrie, where the following policies are applicable

Policy RD1 - Residential Areas

In identified areas which includes the proposed site, residential amenity will be protected and, where possible, improved. Small areas of private open space to be retained changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD1 encourages residential infill development within the area identified in white on the Plan which includes the proposed site at a density which represents the most efficient use of the site while respecting its environs.

Policy PM1A – Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy PM1 seeks to ensure that new developments must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place, whilst *Policy RD1* above seeks to ensure that the character and amenity of existing residential areas is not adversely affected by inappropriate developments.



Perth and Kinross Local Development Plan 2014 – Adopted February 2014

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content.

The Proposed Plan 2 identifies significant areas of Rosemount as 'Open Space' with the aim of protecting areas from development in order to help maintain the character and amenity of the town. The proposed site appears to be the only new 'open space'

area identified in the Rosemount area under Plan 2 and the applicant was never notified as a householder of this change other than a random advert in the local Courier which he does not subscribe to and hence had no opportunity to submit a representation.

The Plan 2 policy which applies to the designated 'Open Space' areas is **Policy 14A** which states the following:

- (a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.
- (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.
- (c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.
- (d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.



Clearly, (a), (c) and (d) above relate primarily to the potential loss of recreational resources or facilities which would not be relevant to our pocket of ground. However, the policy would appear to allow for exceptions under Section (b) above, where it refers to a proposal involving a minor part of the site which would not affect its continued use for recreation or amenity. Clearly, the two principal issues are the loss of recreation ground and secondly, detrimental to the character or visual amenity of the area.

The same policy wording also applies to the similar extensive area of 'Open Space' in the current adopted Perth and Kinross Local Development Plan 2014, where the guidance is contained in **Policy CF1**, not applicable in this case.

Policy Appraisal

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policies; or if there are any other material considerations which justify a departure from policy.

The site does lie within an area identified in the current Plan for residential use where Policy RD1 encourages additional residential infill development providing it satisfies the usual amenity requirements and fits the character of the area. The proposal is for one house only to be erected within the vegetable garden area where it would best fit the building pattern being in line with the existing adjacent house and would also reflect the pattern within the wider area. In addition, the choice of this open part of the site is clear of trees and scrubs and is also convenient to the access point onto Woodlands Road. The site at this point is clearly defined by an established mature hedgerow along both side boundaries which provide effective screening. The applicant owns the adjacent paddock so there would be no overlooking issues or any conflict in terms of the protection of the residential amenity of neighbouring residential property. In all these physical respects we feel that the proposal would satisfy all the essential amenity requirements and would be fully in line with Policy RD1. Precedents have already been established of similar individual house developments which have recently received planning consent within the immediate neighbourhood as being compliant with Policy RD1 (see below highlighted in red stars).



In regard to Policy PM1A which seeks to ensure that all new development should be compatible with their surroundings in regard to amenity and character. As outlined in the previous paragraph great care has been taken to select the best part of the site for the proposed house where amenity and character are best protected and safeguarded in line with Policy PM1A requirements. The more detailed aspects of Policy PM1A in terms of precise siting, house design, height and external finishes would be for a future reserved matters application, but the Council can of course apply planning conditions to any outline consent in regard to siting, design form, tree retention and access improvements all intended to satisfy the placemaking criteria.

Also considered to be a material consideration are the policies applied by the **Proposed Plan 2** which is still going through the examination stage. Plan 2 identifies the site as open space where Policy 14a which relates to the retention of recreational resources and protection of amenity. However, the proposed site in its entirety comprises private garden ground with no public access and does not provide any form of public recreational resource as implied in Policy 14a. The only relevant consideration could be amenity. The applicant also owns the adjacent 'L' shaped paddock which shares two boundaries with the proposed site which is zoned for open space in both the current adopted and also in Proposed Plan 2, but this open ground is clearly open space where the applicant accepts that any future built development would represent a clear breach of both open space policies and would be unacceptable. However, the latest proposed Policy 14a does contain an exemption clause relating to the assessment of amenity issues as follows:

(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

Even if the proposed site was to be regarded as amenity open space under Policy 14a. the actual house plot involves a minor part of the overall site and would not affect its continued use as an amenity resource to be enjoyed by both the proposed and existing houses. The intention is to retain the larger area of the site in its present form within the curtilage of the new house as an attractive amenity and lawn area. The development of the proposed house within the vegetable garden which is already contained by existing buildings, stone walls and high hedges and offers minimal visual impact in open space terms. The proposal would comply with criteria (b) above, but as Proposed Plan 2 has yet to be adopted this particular proposed policy must carry less weight than the present PALP 2014 which encourages residential development on the site.

The applicant did not make representations to the Council's consideration of the now adopted Local Development Plan, where significant development was initially advanced for the Rosemount area, but subsequently re-allocated within Blairgowrie and Rattray. The Council as Planning Authority at that time suggested within the terms of their Section 4 response relative to the applicant's orchard area that:

'it could be removed from the wider CF1 'Open Space' designation as the land concerned was of limited size and its loss to open space would not undermine the character of the wider Rosemount area.'

Although, this modification was not ultimately supported by the reporter, it was professionally supported by the Council officials that it could be removed without any detriment to amenity or character. However, in their latest response to the applicant's representation to the Plan 2 open space zoning for the same orchard area, they commented that:

The area in question is part of the front garden of 'Belfield' and has been designated as open space since 1998 for its visual amenity value. The suitability of the open space designation was revisited during the previous examination, where the Reporter stated that the designation should be maintained (CD015; page 862). It was argued that the area makes a small but valuable contribution to the sense of openness at Rosemount and visual connection between Woodland Road and the wider undeveloped area to the west. There has been no change since then which would justify altering the open space boundary this time around.

The above conflicting opinions by officials on the same area of garden ground highlight just how subjective the interpretation of open space quality or character value can be.

Developer Contributions

In terms of the approved Developer Contributions 2012 document, financial contributions are presently being sought for new housing within the school catchment of areas operating at over 80% capacity. The Blairgowrie local primary school is not currently operating at over its 80% capacity, and to this end there is unlikely to be a requirement for any educational contribution.

In terms of the Supplementary Guidance relating to 'Transport Infrastructure' approved in April 2014, the site lies within a PTF No Contribution Area.

However, as this is an outline application, it is normal practice to apply a planning condition to address developer contributions, where applicable.

Conclusions

The proposal does comply with the terms of the current Development Plan zoning under Policy RD1 which actively encourages residential development within this site and our careful selection of the actual siting satisfies all essential amenity criteria. The proposal would also respect character and amenity in terms of the placemaking policies PM1 and can be conditioned accordingly through planning conditions.

In terms of Proposed Plan 2 and Policy 14a 'Open Space' sub section (b) the policy does allow for exceptions, where development involves a minor part of the wider open space designation and where there is no recreational issue, or detriment to amenity or character. The site is a minor appendage of the wider designation and is so obviously integral to a well maintained private garden with well defined external boundaries, it is hard to envisage any adverse impact to character or amenity, particularly where the intention is to relate the proposed house as closely as possible with the existing building group. Irrespective of this clause, Plan 2 has yet to be

adopted and at this early stage can only have limited weight as a material consideration.

PROPOSED PERTH AND KINROSS LOCAL DEVELOPMENT PLAN

H63 Glenalmond Road Rattray

Kristin Barrett (0423/01/003) - The site is carried forward from the Adopted LDP (CD014; page 283) and detailed planning permission for residential development has been granted for the site (16/01861/FLM). The site is currently farmland with some trees and shrubs around its boundary. The developer requirements and the site drawing that shows the proposed landscaping and paths reflects the design approved at the planning application stage which is considered to be in line with the Policies on the retention and provision of open space and green infrastructure. In terms of the distribution of affordable housing units, the Draft Placemaking Guide (CD041) promotes a variety of tenure which is distributed evenly across the community and allows for greater inclusivity (para 3.3.2).

Woodland Trust Scotland (0462/01/002) - The Council does not consider it necessary to have a requirement for all new trees to be planted to be of native species and therefore does not support this change. The issue is discussed in detail under the 'Site Allocations' section of Issue 16 A Natural, Resilient Place.

No modification is proposed to the Plan.

Rosemount Open Space

Rosemount is a primarily residential area with a semi-rural character. Most of the land is privately owned however a significant area of greenspace is protected for its amenity value. In response to comments received at the MIR stage, the open space boundary has been revised to ensure consistency across the area (CD209). The proposed designation allows for small scale development within well-defined garden grounds and covers other areas which contribute to the special character of Rosemount and should be retained. On a settlement level, developable land is getting scarce within the settlement boundary. Retaining open space around Rosemount is weighed up against the opportunity to provide housing close to local facilities. As Rosemount is a sensitive location and the demand to develop is high, there is a preference for development under masterplans (such as H64 & H258). One off developments which originally created the character of the area, in current circumstances could result in the fragmentation of open spaces with high visual amenity value.

C & F McCarthy (0659/01/001) - Changing the designation of the 1998 Local Plan, the 2014 Adopted Plan tightened the open space boundary around the little Struan following the line of a fence. The Proposed Plan carries forward a very similar version realigning the open space boundary as shown on the map submitted by the respondent (CD200). The first two applications cited in the representation (06/01776/FLL; 12/00086/FLL) were both granted planning permission under the 1998/2005 Plan boundary. The 2014 application for the renewal of planning permission (14/01533/FLL) was granted regardless of the open space boundary change as no built development was proposed on the overlapping area (CD187). Permitted development rights within the curtilage of the house were revoked as part of this consent in order to retain control of any future built development. In the officer's report it was flagged up that the new open space boundary did not take into account of the 2012 planning consent. Since then works have started on site and in 2017 an application for a different design was approved (17/01317/FLL) (CD193) (CD205).

The area covered by the 2014 planning permission could be acknowledged as the garden ground of the new residential unit however removing the open space designation would not change the fact the permitted development rights have been revoked as part of the

planning consent. Furthermore, the revised design approved in 2017 indicates that the new property's garden ground does not stretch as far as the open space designation. The area which the respondent requests to be outwith the open space designation appears to be part of the larger undeveloped area to the west of Woodlands Road (CD210). During the LDP1 examination the reporter acknowledged the value of this undeveloped area and also stated that Woodlands Road is a narrow country lane with no footways, sharp bends and with poor visibility and it is not an ideal location for further development.

The respondent also refers to some other changes in the area which have occurred over time (CD237). The changes are justified below:

- Site A & D - the open space designation was removed to exclude the houses and their well-defined garden grounds.
- Site C – this site is covered below, under the response to Mr Michal Wojtowicz (0133/01/001)
- Site E – the site changed from agricultural designation to a proposed site for football pitches and is now protected as open space / sport facility.

No modification is proposed to the Plan.

Michal Wojtowicz (0133/01/001) - The area in question is part of the front garden of 'Belfield' and has been designated as open space since 1998 for its visual amenity value. The suitability of the open space designation was revisited during the previous examination, where the Reporter stated that the designation should be maintained (CD015; page 862). It was argued that the area makes a small but valuable contribution to the sense of openness at Rosemount and visual connection between Woodland Road and the wider undeveloped area to the west. There has been no change since then which would justify altering the open space boundary this time around.

No modification is proposed to the Plan.

Maureen Brass (0266/01/001) - In 2014, planning permission (14/01122/IPL) for the development of a house on site was refused as it was contrary to the LDP. In relation to this proposal the argument was made that although only a small part of the open space designation was affected, it would undermine the objective of the policy and encourage further piecemeal development in the area. Although it is acknowledged that part of the wider area was formerly part of a semi enclosed walled garden, development on this plot would close a gap and block views from Golf Course Road across the area, affecting the sense of openness (CD208). The boundary around the property has been revised during the preparation of the Proposed Plan and the private garden ground to the front of the property was excluded from the open space designation. The private garden of the property is large enough to provide scope for development subject to planning permission and there are also some outbuildings on site which could be repurposed. It is not considered appropriate to remove the proposed area of open space from the designation.

No modification is proposed to the Plan.

Galbraith Group (0555/01/001); Mr & Mrs Scott (0598/05/001) - Both sites (MD004) were zoned for 'agricultural land' in the Eastern Area Local Plan (1998) (CD058; Map B) and for open space in the adopted LDP (CD014; page 283). In the previous examination the reporter stated that the open space designation, including privately owned areas, helps preserve the semi-rural character of Rosemount. Removing the designation would result in

areas of white land within the settlement boundary and open them up for development. Compared to proposed sites H64 and H258 which are in the same area, these sites are less centrally located and would not result in the same benefits (e.g. improved connectivity). Both sites would use Golf Course road as a main access which may not have the capacity to accommodate additional development, considering the existing allocations on the other side of Rosemount. Furthermore, both sites would be visually prominent from the road, breaking the continuous line of hedges which currently border the sites (CD202). While the Stillesmuir Farm site was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. Neither site had the benefit of full public consultation. Considering that housing numbers could be met elsewhere in the area it is not a preferable option to remove the open space designation in either of these cases.

No modification is proposed to the Plan.

Bernard Walton (0202/01/002) - It is acknowledged that the fields at Rosemount are not prime agricultural land as opposed to some of the other sites which are allocated in the Plan. As detailed above, development in Rosemount is currently limited by the open space designation and the commitment to retain its semi-rural character. Were larger scale development encouraged here it would fundamentally alter the areas character and require a change in approach with as preference for the development of a comprehensive masterplan. This approach, or the specific site, was not submitted during the earlier LDP2 plan preparation stages and so has not had the benefit of stakeholder engagement or public consultation. If it were to be considered, it would be for the next plan cycle as it would require both public consultation and detailed environmental assessment.

No modification is proposed to the Plan.

New Sites

Two respondents have mentioned further alternative sites however none of these representations included any detail (e.g. site boundaries) or indicated the effectiveness of alternative sites:

- Jean Squires (0340/01/001 & 002) - An area of land south to Davie Park in Rattray (CD079, pages 298-306) has previously been assessed for residential use but was ruled out due to impact on transport infrastructure. Rattray is not considered an ideal location for large scale development as it is likely to require a new bridge over River Erich which may make development unviable.
- Stuart Nichol (0041/01/005) - In terms of the expansion of the tourism designation around Blairgowrie Holiday Park, the Council is not aware of a demand for additional land for tourism related activities at this location. If any interested party was to suggest the designation of this area, the site would have to be assessed alongside other proposals and be subject to stakeholder engagement and public consultation.

No modification is proposed to the Plan.

<p>TCP/11/16(616) – 19/00620/IPL – Erection of a dwellinghouse (in principle), land 50 metres south west of Belfield, Woodlands Road, Blairgowrie</p>
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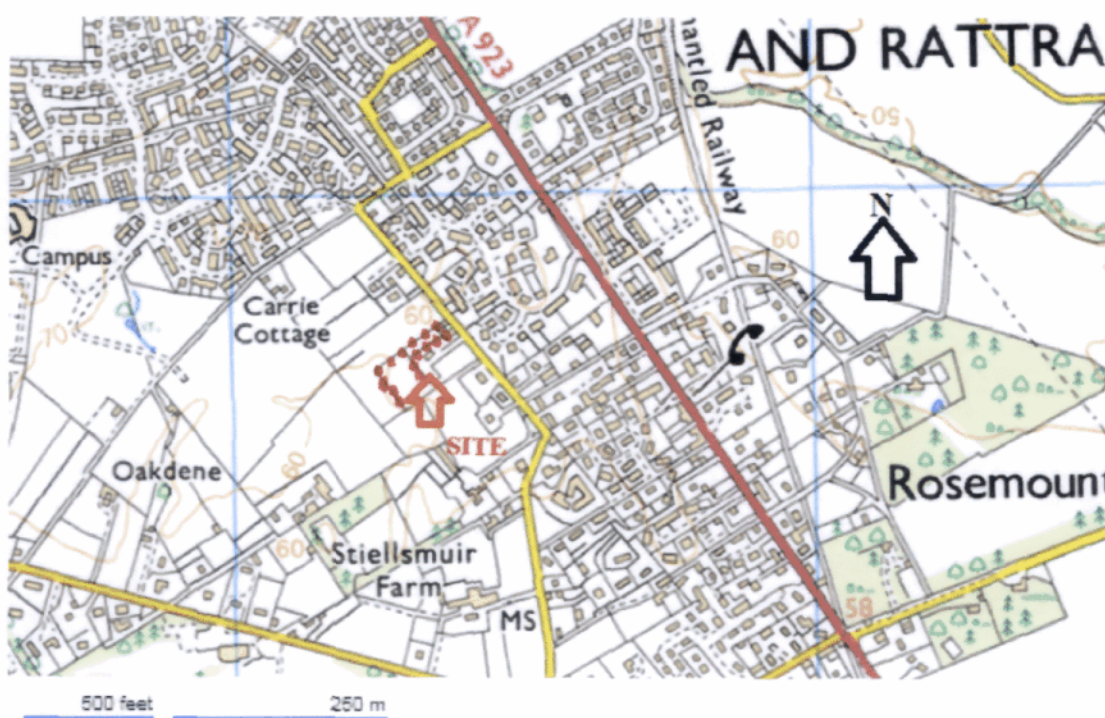
PLANNING DECISION NOTICE *(included in applicant's submission, pages 137-138)*

REPORT OF HANDLING *(included in applicant's submission, pages 139-150)*

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 151-162)*

Location Plan

Erection of a dwellinghouse (in outline) on ground immediately to the west of Belfield, Woodlands Road, Blairgowrie



Scale bar

**TCP/11/16(616) – 19/00620/IPL – Erection of a dwellinghouse
(in principle), land 50 metres south west of Belfield,
Woodlands Road, Blairgowrie**

REPRESENTATIONS



28th April 2019

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
~~Steps~~
Glasgow
G33 6FB

Development Operations
~~Freephone Number~~ - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

PH10 Blairgowrie Woodlands Road Land 50 Metres SW
PLANNING APPLICATION NUMBER: 19/00620/IPL
OUR REFERENCE: 776311
PROPOSAL: Erection of a dwellinghouse (in principle)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from LINTRATHEN Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- There is currently sufficient capacity in the BLAIRGOWRIE Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk
- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Pamela Strachan
Planning Consultations Administrator

>> -----Original Message-----

>> From: May O'Donnell [REDACTED]

>> Sent: 30 April 2019 13:36

>> To: Development Management - Generic Email Account

>> Subject: Ref: 19/00620/IPL

>>

>>

>> Dear Sir/Madam,

>> Further to your letter dated 25th April, 2019, notifying me of Planning Permission for the erection of a dwelling house (in principle) south west of Belfield, Woodlands Road, Blairgowrie for Mr Michael Wojtowicz.

>> It is not very clear from your Location Plan what is actually proposed. I would be pleased if you could confirm that two sheds are to be demolished for access to the build.

>> My address is [REDACTED] and I have always understood that Scottish Water feel no more houses should be built off of Woodlands Road. Also, Woodlands Road is now very busy with children being driven and walking to Blairgowrie Primary and High Schools.

>> There are several dangerous corners on Woodlands Road, especially one at the end of Woodlands Road, just beyond the White House, which originally, I believe, did not have planning permission for access onto Woodlands Road. I would, therefore, be surprised if more houses should be allowed to be built with access onto Woodlands Road.

>>

>> Yours faithfully,

>> Mrs M O'Donnell

>>

>>

>>

>> Sent from my iPad

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>> General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

>>

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00620/IPL	Comments provided by	Alexander Low Transport Planning Graduate
Service/Section	Transport Planning	Contact Details	██████████ ██████████████████
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres South West Of Belfield Woodlands Road Blairgowrie		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal subject to the following conditions.		
Recommended planning condition(s)	Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	03/05/2019		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00620/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres South West Of Belfield, Woodlands Road, Blairgowrie		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Newhill Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	07 May 2019		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00620/IPL	Comments provided by	Hajnalka Biro
Service/Section	TES: Development Plans	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 50 Metres South West Of Belfield Woodlands Road Blairgowrie		
Comments on the proposal	<p>The development is located within Rosemount, Blairgowrie which is a primarily residential area with a semi-rural character. Most of the land is privately owned however a significant area of greenspace is protected for its amenity value.</p> <p>In the Adopted Local Development Plan the site appears as white land without any designation. During the preparation of Proposed Local Development Plan 2 however, the wider open space designation has been revised. The majority of the site, excluding the existing outbuildings, has been designated as open space as it is well-designed and landscaped and should be protected for its visual amenity value.</p> <p>The Proposed Plan has been approved by Councillors in November 2017 and has undergone public consultation. No representations have been received in objection to designating this site as open space, therefore the change does not form part of the ongoing Examination process. In light of this, significant weight can be given to Proposed Local Development Plan 2 and Policy CF1: Open Space Retention and Provision (Policy 14 in LDP2) would apply to the application.</p> <p><u>Policy CF1: Open Space Retention and Provision</u></p> <p>Policy CF1 states that areas of land which have value to the community for either recreational or amenity purposes should be protected. In this case, the designation is in place to prevent the gradual erosion of the semi-rural nature of this area of Rosemount. The policy provides a presumption against housing development which is currently the main source of pressure on the area.</p> <p>In their supporting statement the applicant refers to section (b) within Policy CF1 which includes an exception where development may be permitted on open space areas if it involves a minor part of the site and would not affect its continued use as a recreational or amenity resource. In this instance, I do not consider this exception to be relevant for the following reasons:</p> <ul style="list-style-type: none"> • The development of the site could impact on the sense of openness which is a key characteristic of Rosemount. The visual connectivity between Woodlands Road and the undeveloped area to the south- 		

	<p>east is somewhat limited by the existing outbuildings and development on the site could further reduce open views across the area.</p> <ul style="list-style-type: none"> Any housing development within the designated open space area would set a precedent and threaten the integrity of the wider designation. The exemption in the policy is primarily aimed at allowing for developments which are in some way linked to or enhance the use of the site and there are strong reasons why they can only be located on that given area of open space. The development of a single house would not normally qualify for this.
Recommended planning condition(s)	
Recommended informative(s) for applicant	
Date comments returned	